

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Rochester Public Library	)	File No. SLD-245423
Rochester, Pennsylvania	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45✓
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

Adopted: **January 22, 2003**

Released: **January 23, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Rochester Public Library (Rochester), Rochester, Pennsylvania.<sup>1</sup> Rochester requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>2</sup> For the reasons set forth below, we grant the Request for Review and remand to SLD.

2. Rochester seeks discounts for a Frame Relay 56K connection.<sup>3</sup> In its decision, SLD denied Rochester's request for discounts on the grounds that Rochester is seeking support for an ineligible service, because the Frame Relay connection would be used to access a Library Automated Catalogue.<sup>4</sup> Library Automated Catalogues are not eligible for discounts under program rules.<sup>5</sup> Rochester argues that SLD should be reversed because SLD failed to take

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<sup>1</sup> Letter from Jody Bell, Rochester Public Library, to Federal Communications Commission, filed April 22, 2002 (Request for Review).

<sup>2</sup> *Id.*

<sup>3</sup> See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jody Bell, Rochester Public Library, dated April 10, 2002 (Administrator's Decision on Appeal).

<sup>4</sup> *Id.*

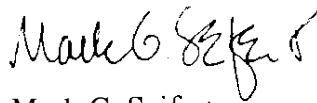
<sup>5</sup> See SLD Eligible Services List, <<http://www.sl.universalservice.org/reference/eligible.asp>> at 12 (stating that Electronic Libraries or On-Line Public Access Catalog Systems that charge a fee for accessing library catalog

account of the fact that the Frame Relay 56K connection is a web-based connection used in transferring information to other systems.<sup>6</sup> Rochester contends that the system is a network for shared services for learning, rather than a "stand alone" automated catalogue or an internal system.<sup>7</sup>

3. We find that SLD erred in denying Rochester's request. Frame Relay 56K connections are eligible for discounts as telecommunications services, irrespective of the fact that they may link to a Library Automated Catalogue, which is not itself eligible for discounts.<sup>8</sup>

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Rochester Public Library, Rochester, Pennsylvania on April 22, 2002 IS GRANTED. IT IS FURTHER ORDERED that the application for discounts filed by Rochester Public Library IS REMANDED to the Schools and Libraries Division of the Universal Service Administrative Company for further review consistent with this Order.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division,  
Wireline Competition Bureau

systems, searching or using references as a part of Internet access are ineligible for discount, and that any software associated with electronic library public access is also ineligible).

<sup>6</sup> Request for Review at 2

*Id*

<sup>8</sup> See SLD Eligible Services List. <<http://www.sl.universalservice.org/reference/eligible.asp>>